

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW No. 1566

A BYLAW TO PROVIDE FOR GARBAGE COLLECTION WITHIN THE BOUNDARIES OF THE CITY OF ENDERBY

WHEREAS the *Local Government Act* and the *Community Charter* authorizes a council to provide for and regulate a service for garbage collection, and to set and collect fees for the service;

NOW THEREFORE, the Council of the City of Enderby, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **CITATION**

This Bylaw shall be cited for all purposes as the “*City of Enderby Garbage Collection Regulation Bylaw No. 1566, 2015*”.

2. **DEFINITIONS**

In this bylaw:

“**City**” means the Corporation of the City of Enderby;

“**Council**” means the municipal council of the City of Enderby;

“**Director**” means the person employed by the City as the Chief Administrative Officer, or his or her designate;

“**garbage**” means any discarded materials resulting from the day-to-day operations of a residential household, but does not include hazardous, noxious, offensive or unwholesome matter or any recyclable material, regulated material, or any trade waste or any waste prohibited by this bylaw;

“**garbage container**” means a non-corrosive, durable receptacle, fitted with secure handles and a watertight cover, or a heavy weight plastic bag, used for the collection of garbage from residential premises.

“**regulated materials**” means those materials designated as regulated by the Regional District of North Okanagan Municipal Solid Waste Bylaw, as may be amended from time to time.

“**residential garbage collection sticker**” means a sticker which must be placed on all garbage bags or containers, which exceed the quantity limits for garbage containers set out in this bylaw. Stickers are available for purchase at City Hall.

“**residential premises**” means the individual dwelling units which includes single family dwellings, two family dwellings, three family dwellings, four family dwellings, individual serviced units of apartments, strata units or row houses;

3. **GENERAL REGULATIONS**

3.1 The City may, by its own forces, or by contracting the services to others, establish, maintain and operate residential garbage collection within the City.

3.2 Every owner of residential premises within the City shall use the garbage disposal collection system established by the City pursuant to this bylaw, and is liable for payment of the appropriate rate, or rates, and subject to the terms as set out in the Fees and Charges Bylaw.

3.3 Garbage charges remaining unpaid after the thirty-first day of December shall be deemed to be taxes in arrears in respect to the property tax roll.

3.4 Where an owner or occupier of residential premises commences participation in the garbage collection service during the calendar year, a separate invoice will be issued by the City pro-rating the fees outlined in the Fees and Charges Bylaw from the date of occupancy for new residential dwellings, or the date of application for all other services.

3.5 The City, or a contractor acting on behalf of the City, shall pick-up all garbage set out at residential premises provided it conforms to the terms of this bylaw.

- 3.6 No person shall litter garbage or dispose of garbage contrary to the provisions of this bylaw.
- 3.7 The Director may enter onto any property covered by this bylaw, at a reasonable time, to check for compliance with the regulations of this bylaw.

4. GARBAGE COLLECTION REGULATIONS

- 4.1 All garbage containers shall be kept, maintained and readily accessible for emptying or collection, by 7:00 a.m. on the day of collection.
- 4.2 For collection purposes, all garbage containers must be placed within one (1) meter of the travelled portion of the lane, or on the boulevard within one meter of the travelled portion of the road, or at a place designated by the Director.
- 4.3 Standard garbage containers shall not weigh more than 22.7 kg (or 50 lbs) per individual container when full. A maximum of two (2) garbage containers per residential premises per week will be picked up unless the additional containers are tagged with a City of Enderby "Residential Garbage Collection" sticker.
- 4.4 All garbage must be contained in garbage containers and shall be kept covered with watertight lids, or fastened in such a manner that they are watertight.
- 4.5 All containers for garbage shall, at all times, be kept in good repair, clean and accessible for inspection at all reasonable hours. When any standard or special container has been condemned by the City, such container shall be removed by the owner of the premises who shall provide a suitable container in its place.
- 4.6 The City may suspend collection service from properties where containers or location are contrary to the provisions of this bylaw, but such suspension shall not waive any requirement, or abate or waive any fees required to be paid under the provisions of this bylaw or amendments thereto.

5. MATERIALS PROHIBITED IN RESIDENTIAL GARBAGE

- 5.1 No person shall place or mix, with any material for removal as garbage, any explosive, volatile or corrosive materials, dangerous chemicals or any other material dangerous to the health and or safety of the garbage collection personnel.
- 5.2 No person shall place or mix with any material for removal as garbage, material listed in the Regional District of North Okanagan's Municipal Solid Waste Management Bylaw as recycle or regulated materials, hot ashes, any liquid wastes, bulk chemical waste, animal cuttings or wastes, dead animals or oil, fuel, or other equipment lubricant filters.
- 5.3 No person shall place or mix with any material for removal as garbage, any material described as hazardous in the provincial *Environment Management Act* or any *regulations* thereto.

6. OFFENCES and PENALTIES

- 6.1 Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.
- 6.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

7. SEVERABILITY

If a Court finds any provision or part of a provision in this bylaw illegal, unenforceable, or void, such provision or part shall be severed and the remaining provisions or parts of provisions will continue to have full force and effect.

8. BYLAWS REPEALED

"Garbage Collection and Curbside Recycle Regulation Bylaw No. 1482, 2010" and all amendments thereto, are hereby repealed.

READ a FIRST time this 19th day of January, 2015.

READ a SECOND time this 19th day of January, 2015.

READ a THIRD time this 19th day of January, 2015.

ADOPTED this 2nd day of February, 2015.

Mayor

Chief Administrative Officer